

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003CH007	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/IB2004/002689	International filing date (day/month/year) 13.08.2004	Priority date (day/month/year) 21.08.2003	
International Patent Classification (IPC) or national classification and IPC D06M13/17, D06M13/292, D06M13/295, D06M13/256, D06M13/288, D06M13/207, D06M13/148, D06M11/155, D06M15/263, D06L1/12, D06L3/02, D06L3/12			
Applicant CLARIANT INTERNATIONAL LTD et al.			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 5 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of    sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items: <div style="display: flex; flex-direction: column; gap: 5px;"> <div><input checked="" type="checkbox"/> Box No. I      Basis of the opinion</div> <div><input type="checkbox"/> Box No. II     Priority</div> <div><input type="checkbox"/> Box No. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</div> <div><input type="checkbox"/> Box No. IV    Lack of unity of invention</div> <div><input checked="" type="checkbox"/> Box No. V     Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</div> <div><input type="checkbox"/> Box No. VI    Certain documents cited</div> <div><input type="checkbox"/> Box No. VII   Certain defects in the international application</div> <div><input type="checkbox"/> Box No. VIII  Certain observations on the international application</div> </div>			
Date of submission of the demand  17.02.2005		Date of completion of this report  10.08.2005	
Name and mailing address of the international preliminary examining authority:  <div style="display: flex; align-items: center;"> <div>             European Patent Office              D-80298 Munich              Tel. +49 89 2399 - 0 Tx: 523656 epmu d              Fax: +49 89 2399 - 4465           </div> </div>		Authorized Officer  Koegler-Hoffmann, S  Telephone No. +49 89 2399-	



BEST AVAILABLE COPY

**INTERNATIONAL PRELIMINARY REPORT  
 ON PATENTABILITY**

International application No.  
 PCT/IB2004/002689

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-18 as originally filed

**Claims, Numbers**

1-17 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify):*
- ☐ any table(s) related to sequence listing *(specify):*

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify):*
- ☐ any table(s) related to sequence listing *(specify):*

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IB2004/002689

---

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	4-9,13,15-17
	No: Claims	1-3,10-12,14
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)

International application No.

PCT/IB2004/002689

Re Item V.

1. The following documents are referred to in this communication:

D1: EP-A-0 696 661  
D2: EP-A-1 305 469  
D3: EP-A-0 685 589  
D4: US-A-5 698 507

2. INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT and does not involve an inventive step in the sense of Article 33(3) PCT..

Documents D1 discloses a multifunctional textile auxiliary (I) comprising, inter alia, (a) 10-60 wt.% nonionic surfactant of formula  $R1O-(Alkylene-O)_m1-(I)$ ; (c) 4-20 wt.% hydrotropic additive (cumenesulphonic acid, naphthalenesulphonic acid), (e) 0-8 wt.% Mg carboxylate salt, (f) 0-30 wt.% complexing or sequestering agent (hydroxy carboxylic acid as, for example, citric acid, phosphonates) and (h) 0-60 wt.% water.

The formula of the nonionic surfactant falls within the scope of the formula (I) claimed in claim 1 of the present application (D1: page 2, line 1 to page 3, line 55).

According to page 9, line 32ff of D1 said mixture is used as a textile auxiliary, e.g. as a wetting agent, detergent, dispersant or stabiliser in peroxide bleaching baths and provides storage-stable, low-foam, silicone-free, aqueous textile auxiliaries which can be used for the above applications without the addition of other foam suppressants, esp. silicones.

Moreover, it follows also from the examples of document D3 that the mixture claimed in claim 1 of the current application is already known in the art (see, for example, example 2, which describes a mixture comprising a mixture A, C12-18 alkoxylated alcohol, BAYSTABIL LF®, etc ).

Document D4 discloses a composition comprising (a) 1-6% of a nonionic surfactant; (b) 5-15% of citric acid; (c) 0.75-3% of hydrogen peroxide; (d) 0.25-3% of an acid resistant protease enzyme; (e) 0.25-3% of an amylase enzyme; (f) 1-4% of a hydrotrope; (g) 0.1-1.5% of calcium chloride; (h) 0.5-2% of sodium formate and water (D4: column 2, line 49 to column 4, line 59).

Thus, the mixture claimed in claim 1 of the current application is not novel in view of D4.

### 3. INDEPENDENT CLAIM 14

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 14 is not new in the sense of Article 33(2) PCT and does not involve an inventive step in the sense of Article 33(3) PCT.

Each of the documents D1 and D3 discloses the use of said mixtures to pretreat textiles.

### 4. INDEPENDENT CLAIMS 15 AND 16

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 15 and 16 does not involve an inventive step in the sense of Article 33(3) PCT.

It follows not only from documents D1, D2 and D3 but also from the description of the current application that the pretreatment processes claimed in claims 15 and 16 are known in the art.

### 5. DEPENDENT CLAIMS 2, 3, 10-12, 17

Dependent claims 2, 3, 10-12, 17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).